

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 204**

Introduced by Synowiecki, 7; Lathrop, 12; Nantkes, 46.

Read first time January 9, 2007

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to labor; to amend sections 48-2102, 48-2104,  
2 48-2107, 48-2114, and 48-2115, Reissue Revised Statutes  
3 of Nebraska; to change provisions relating to the  
4 Contractor Registration Act; and to repeal the original  
5 sections.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 48-2102, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           48-2102 It is the intent of the Legislature that all  
4 contractors doing business in ~~counties with a population of over~~  
5 ~~one hundred thousand inhabitants~~ Nebraska be registered with the  
6 department. It is not the intent of the Legislature to endorse  
7 the quality or performance of services provided by any individual  
8 contractor.

9           Sec. 2. Section 48-2104, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           48-2104 Before performing any construction work in ~~any~~  
12 ~~county with a population of over one hundred thousand inhabitants,~~  
13 Nebraska, a contractor shall be registered with the department. If  
14 a contractor does business under more than one name, the contractor  
15 shall obtain a registration number for each name under which the  
16 contractor is doing business.

17           Sec. 3. Section 48-2107, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19           48-2107 (1) Each application or renewal under section  
20 48-2105 shall be accompanied by a fee of ~~twenty-five~~ one hundred  
21 dollars. The fee shall not be required when an amendment to an  
22 application is submitted.

23           (2) A contractor shall not be required to pay the fee if  
24 the application contains an affidavit which shows the contractor  
25 is self-employed ~~and does not pay more than one thousand dollars~~

1 ~~annually to employ other persons in the business, with a maximum~~  
2 ~~equivalent of one full-time employee at any one time.~~ The affidavit  
3 shall contain (a) a statement that the contractor is self-employed,  
4 ~~and~~ (b) a list of all employees employed on the date of the  
5 application and in the past twelve-month period prior to such date  
6 and the dates of employment for each employee. ~~the amount paid to~~  
7 ~~each employee, and (c) a list of all current employees.~~ At any time  
8 that a contractor no longer qualifies for exemption from the fee,  
9 the fee shall be paid to the department.

10           Sec. 4. Section 48-2114, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           48-2114 (1) The commissioner shall issue a citation to a  
13 contractor when an investigation reveals that the contractor has  
14 violated:

15           (a) The requirement that the contractor be registered; or

16           (b) The requirement that the contractor's registration  
17 information be substantially complete and accurate.

18           (2) ~~If~~ When a citation is issued, the commissioner shall  
19 notify the contractor of the proposed administrative penalty,  
20 if any, by certified mail or any other manner of delivery by  
21 which the United States Postal Service can verify delivery. The  
22 administrative penalty shall be not more than five hundred thousand  
23 dollars in the case of a first violation and not more than ~~five~~ ten  
24 thousand dollars in the case of a second or subsequent violation.

25           (3) The contractor shall have fifteen working days from

1 the date of the citation or penalty to contest such citation or  
2 penalty. Notice of contest shall be sent to the commissioner who  
3 shall provide a hearing pursuant to the Administrative Procedure  
4 Act.

5           Sec. 5. Section 48-2115, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           48-2115 There is hereby created the Contractor  
8 Registration Cash Fund to be administered by the department and  
9 used to enforce the Contractor Registration Act. The fund shall  
10 consist of such sums as are appropriated to it by the Legislature  
11 and any fees collected in the administration of the ~~Contractor~~  
12 ~~Registration Act~~ act. All funds collected shall be remitted to  
13 the State Treasurer for credit to the fund. Any money in the fund  
14 available for investment shall be invested by the state investment  
15 officer pursuant to the Nebraska Capital Expansion Act and the  
16 Nebraska State Funds Investment Act.

17           Sec. 6. Original sections 48-2102, 48-2104, 48-2107,  
18 48-2114, and 48-2115, Reissue Revised Statutes of Nebraska, are  
19 repealed.